

REMARKS

Claims 1-13 are pending in the application. A three month extension of time and a Notice of Appeal are filed concurrently herewith.

FOREIGN PRIORITY:

The Examiner has acknowledged Applicant's claim to foreign priority and receipt of the priority document submitted on August 30, 2005.

35 U.S.C. § 112:

Claims 1-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the Examiner asserts that the term “substantially” is not defined by the claims. To address the rejection, Applicant deletes the phrase which includes the term “substantially.” Withdrawal of the rejection is respectfully requested.

35 U.S.C. § 103:

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Darras et al. (WO 99/49991 [hereafter “Darras ‘991”]) in view of Sato et al. (U.S. Patent 5,961,776 [hereinafter “Sato”]) or Watanabe et al. (U.S. Patent 6,158,383 [hereinafter “Watanabe”]) or Ishii (U.S. Patent 6,827,972).

The present application has an effective filing date of April 11, 2000, based on PCT/FR00/00916. The present application claims priority based on French Application No. 99/06178. To obviate the rejection, Applicant hereby perfects priority to exclude Darras ‘991 from prior art by submitting the attached certified translation of French Application No. 99/06178. The rejection, therefore, is deemed moot and withdrawal is respectfully requested.

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Darras et al. (U.S. Patent 6,827,972) in view of Sato or Watanabe or Ishii.

Applicant respectfully submits that pursuant to §4807 of the new American Inventors Protection Act of 1999, subject matter which was prior art under former 35 U.S.C. §103(c) via 102(e) is now disqualified as prior art against a claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The change to §103(c) applies to any patent application filed on or after the date of enactment of November 29, 1999.

The present application was filed after November 29, 1999. Accordingly, Darras ‘972 is not prior art since the present application and Darras ‘972 were owned by Sidel at the time the later invention was made. Thus, Applicant respectfully requests that the Examiner to withdraw the rejection under 35 U.S.C. §103(a) based on Darras ‘972.

Claims 1-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leprince et al. (U.S. Patent 5,063,330 [hereinafter “Leprince”]) in view of Sato or Watanabe or Ishii.

The present invention is directed to processing surfaces of a container. Leprince is directed to a plasma reactor including a waveguide tunnel 38, as shown in Figure 1. Applicant positively describes that the claimed device is used with a container by reciting a device for holding the neck of the container, to further define the unique combination of claimed features. An exemplary, non-limiting representation of the device for holding the container’s neck is shown in the present Figure. The sample 67 of Leprince does not have at least a neck portion and, therefore, does not teach or suggest the unique features recited in claim 1. Further, the application of Sato, Watanabe and Ishii fails to make up for the deficient teachings of Leprince,

Amendment Under 37 C.F.R. § 1.116
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such that the rejection of claim 1 should be withdrawn. The rejection of dependent claims 2-13 should similarly be withdrawn at least due to their respective dependencies on claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

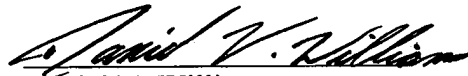
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